

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD S. MILLER,

Plaintiff,

v.

EL DORADO COUNTY JAIL,

Defendant.

No. 2:23-cv-00666-DAD-EFB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
PLAINTIFF'S MOTION TO REOPEN THIS
CASE

(Doc. Nos. 30, 32)

Plaintiff Ronald S. Miller is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 26, 2024, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motion to reopen this case be granted. (Doc. No. 32 at 2.) Specifically, the magistrate judge concluded that plaintiff had demonstrated inadvertence and excusable neglect justifying relief from the final judgment under Federal Rule of Civil Procedure 60(b)(1) because plaintiff was unable to prosecute the case without assistance. (*Id.* at 1.) The magistrate judge also noted that plaintiff now has help litigating this action, including filing an amended complaint. (*Id.*)

////

1 The pending findings and recommendations were served on the parties and contained
2 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at
3 2.) To date, no objections to the findings and recommendations have been filed, and the time in
4 which to do so has now passed.

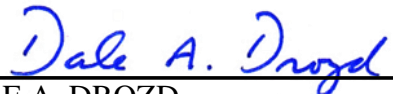
5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
6 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
7 findings and recommendations are supported by the record and by proper analysis.

8 Accordingly:

- 9 1. The findings and recommendations issued on August 26, 2024 (Doc. No. 32) are
10 adopted in full;
- 11 2. Plaintiff's motion to reopen this case (Doc. No. 30) is granted;
- 12 3. The Clerk of the Court is directed to reopen this case;
- 13 4. Within thirty (30) days from the date of service of this order, plaintiff shall file
14 either a first amended complaint or a notice of his intent not to do so; and
- 15 5. This matter is referred back to the magistrate judge for further proceedings
16 consistent with this order.

17 IT IS SO ORDERED.

18 Dated: December 3, 2024

19 
20 DALE A. DROZD
21 UNITED STATES DISTRICT JUDGE
22
23
24
25
26
27
28